

Applicant: EBERLE *et al.*
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REMARKS

In response to the Office Action mailed **July 7, 2009** (hereinafter "Office Action"), claims 27, 43, 54, and 70 have been amended. No claims have been cancelled or newly added. Therefore, claims 27-38, 40-51, 54-65, and 67-78 remain pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicants are submitting herewith a Supplemental Information Disclosure Statement and respectfully request that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the indication of allowable subject matter. The Examiner has indicated that claims 50, 51, 77, and 78 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims [Office Action, pg. 2, ¶1].

REJECTIONS UNDER 35 U.S.C. § 102

Claims 27-38, 40-49, 54-65, and 67-76 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,661,781 to DeJager (hereinafter "DeJager") [Office Action, pg. 2, ¶12]. Applicants traverse this rejection for at least the reason that DeJager neither explicitly nor impliedly discloses each of the features of at least independent claims 27 and 54.

In particular, independent claims 27 and 54 each recite, *inter alia*, features relating to enabling a subscriber to subscribe to at least one service that can output personalized information.

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Independent claim 27, for example, recites:

service subscription means for ***enabling at least one subscriber*** to subscribe to at least one service that can output personalized information, and ***to specify preferences for the content and presentation of service output information***, as well as delivery parameters for receiving service output information, the delivery parameters including at least one device to which service output information is to be delivered, and delivery instructions based on a detected recipient;

[emphasis added].

Independent claim 54 similarly recites:

receiving from at least one subscriber, during a subscription registration process, ***preferences for the content and presentation of service output information*** from at least one service that can output personalized information, as well as delivery parameters for receiving service output information, the delivery parameters including at least one device to which service output information is to be delivered, and delivery instructions based on a detected recipient;

[emphasis added].

In addition to enabling a subscriber to specify delivery parameters (including at least one device and delivery instructions based on a detected recipient), the claimed subscription process allows a subscriber to, among other things, *specify preferences for the content and presentation of service output information*.

In Applicants' previous response [see 04/16/09 Response to Non-Final Office Action], Applicants noted that while DeJager appears to disclose enabling users to re-direct incoming messages to a different messaging address, or to receive notifications of newly arrived messages, the portions of DeJager [col. 2, lines 7-19; col. 5, lines 1-8; and FIG. 6] relied upon by the Examiner do not disclose the feature of enabling a subscriber to specify [or receiving from a subscriber] preferences for the *content and presentation of service output information*.

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In the Office Action, the Examiner failed to even address Applicants' previously presented arguments concerning the deficiencies of DeJager discussed above, and instead appeared to simply restate the same rejection.

For *at least* the reason that DeJager fails to disclose each of the features of *at least* independent claims 27 and 54 for the reasons noted above, and because the Examiner has failed to provide any evidentiary support to the contrary, the rejection of independent claims 27 and 54 under 35 U.S.C. § 102(b) is legally improper and should be withdrawn. Dependent claims 50-51 and 77-78 are indicated as being allowable by the Examiner, and the remaining dependent claims 28-38, 40-49, 55-65, and 67-76 are allowable because they each ultimately depend from an allowable independent claim, as well as for the further features they recite.

Additionally, *solely* in an effort to expedite prosecution, and in no way acquiescing to the propriety of the alleged rejection under § 102(b) (which is legally improper for the reasons set forth in detail above), independent claims 27 and 54 have been amended to clarify aspects of the invention. Particularly, independent claims 27 and 54 each recite initiating an outbound telephone call to the at least one device, detecting a recipient of the telephone call, and delivering service output information based on the detected recipient of the telephone call and the delivery instructions. DeJager does not appear to disclose at least these features. Accordingly, the pending claims are patentable over DeJager.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

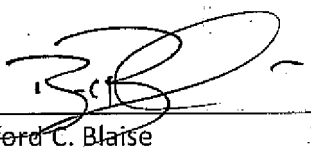
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: October 7, 2009

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